

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GERARD MICHAEL YATES,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

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STIPULATION AND ORDER

Civil Action
CV-12-0449

(Spatt, J.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 27 2012 ★

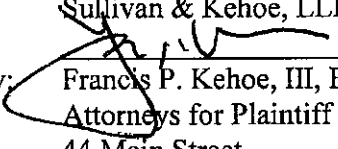
LONG ISLAND OFFICE

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the plaintiff, GERARD MICHAEL YATES and counsel for the defendant, MICHAEL J. ASTRUE, THE COMMISSIONER OF SOCIAL SECURITY, that pursuant to the fourth sentence of 42 U.S.C. § 405(g), the Commissioner's decision is reversed, and plaintiff's claim is remanded for further administrative proceedings, including a new hearing and a new decision. On remand, the Administrative Law Judge will: (1) reconsider all of the treating medical source evidence and opinions pursuant to the provisions of 20 C.F.R. § 404.1527 and Social Security Rulings 96-2p and 96-5p, specifically the opinion of Dr. Yadegar, and provide appropriate discussion and rationale to explain the weight given to such opinion evidence; (2) evaluate plaintiff's subjective complaints and provide rationale in accordance with the disability regulations; (3) give further consideration to plaintiff's residual functional capacity and provide appropriate rationale with specific references to evidence of record in support of the assessed limitations; (4) if warranted, obtain medical expert testimony to clarify the severity of plaintiff's impairments; and (5) obtain testimony from a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

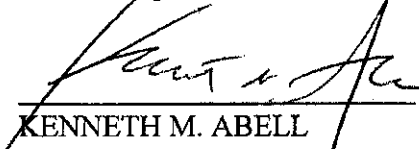
Yates v. Astrue, 12-CV-0449
Stipulation and Order

The Clerk of the Court shall enter judgment in this case once this Stipulation and Order has been signed and so ordered by the Court. *Case closed.*

Dated: Kings Park, New York
June 21, 2012

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Dated: Central Islip, New York
June 22, 2012

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Case Closed

SO ORDERED this ^{7th} 27 day of June, 2012:

/s/ Arthur D. Spatt


Arthur D. Spatt
UNITED STATES DISTRICT JUDGE